

## **Governor's Task Force on Real ID Act of 2005**

### **Meeting Documentation**

**December 7, 2005**

**1:00pm – 4:00pm**

**Meeting Location: Virginia Department of Motor Vehicles**

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### **Attendees**

Anne Atkins, DMV Communications Office  
Richard Barton Campbell, Office of the Attorney General  
Sharon Brown, DMV Driver Services Administration  
Karen Chappell, DMV Deputy Commissioner  
Ralph Davis, Deputy Secretary of Transportation  
Eileen Filler-Corn, Governor's Liaison Office  
Colonel W. Stephen Flaherty, Virginia State Police  
Millicent Ford, DMV Driver Services  
Pam Goheen, DMV Communications Office  
Leni Gonzales, DMV  
Tanya M. Gonzalez, City of Richmond  
Karen Grim, DMV Assistant Commissioner  
Morgan Guthridge, CMG Associates on behalf of Infinion Technologies  
John W. Knapp, Jr., Verizon Virginia  
David Leahy, DMV  
Becky Lloyd, DMV Legislative Services  
Carol M. Longley, DMV Legislative Services  
Jo Anne Maxwell, DMV Policy Director  
Marta Morales, DMV Legal and Regulatory Affairs  
Steven Myers, Virginia Poverty Law Center  
Fred Norman, CVC/LLC  
C. W. Laugerbaum, GRTC  
Aimee Seibert, ACLU of Virginia  
Betty L. Serian, Pennsylvania Department of Transportation  
Jan Sigler, Office of Commonwealth Preparedness (representing George Foresman)  
D. B. Smit, DMV Commissioner  
Jeff Spencer, Senior Assistant Attorney General  
Walter Tejada, Arlington County Board of Supervisors  
Tully Welborn, DMV Customer Service Management Administration  
Kent Willis, American Civil Liberties Union of Virginia (ACLU)

### **Meeting Summary**

#### **Welcome and Introductions**

D. B. Smit welcomed all attendees and thanked taskforce members for their participation, attendance and prompt turnaround of all documents. The group was informed that this was potentially the last meeting, unless there are significant issues with the draft report document and it is determined that another meeting is needed.

The group was asked to provide any comments on previous meeting minutes. No comments were made and the minutes from November 15, 2005, were adopted.

Jo Anne took the floor and led the group through the documentation provided. The documents included a draft copy of the report, key discussion points with recommendations, and recommended enhancements to the report from Ralph Davis.

Initially, the taskforce reviewed the key discussion points and made recommended changes to the report. A summary of each area is outlined below.

### **Compliance**

The options of offering compliant and non-compliant driver's licenses/ identification cards were discussed. There was consensus that the taskforce would recommend that compliant and non-compliant credentials be offered to customers. The members noted that there needs to be clarification within the document that a non-compliant document means that the document is Virginia compliant, not Real ID compliant. It was suggested that Virginia should issue Virginia compliant driver's licenses (non-compliant with Real ID) and only offer compliant identification cards. It was also stated that consideration needs to be given to those situations where individuals would be non-compliant and how to handle.

The group consensus was that Virginia should comply with the Real ID Act and craft language to address all concerns. The group needed to keep in mind that the report does include issue statements that outline all of the key discussion points. It was also suggested to incorporate the recommendation into the issue statements, for ease of reading.

### **Grandfathering**

There are three options to consider with grandfathering:

- 1) All customers will have to have a document issued that is compliant by May 2008.
- 2) Temporary grandfathering would permit customers to use and federal entities to accept credentials that were issued prior to the effective date of the Act until the document expires.
- 3) Permanent grandfathering would allow individuals who already hold a driver's license or identification card to forego the requirements of the Act when renewing.

The taskforce agrees that permanent grandfathering should be recommended, and if the intent of the legislation is not to grant permanent grandfathering, the taskforce would recommend temporary grandfathering for existing credential holders.

### **Minimum Document Requirements**

The Act requires nine items to be displayed on the Real ID compliant driver's license or identification card. Virginia is currently compliant or will be compliant upon implementation of driver's license central issue with the following items:

- Full legal name
- Date of Birth
- Gender
- Driver's license or identification card number
- Digital photograph
- Signature of person
- Physical security features to prevent tampering, counterfeiting, or duplication of the document
- A common machine-readable technology, with defined minimum data elements

Virginia will not be compliant with the person's principal residence being placed on the document. It was recommended to allow individuals to opt out of displaying their principal residence on their license and allow for an alternate address to be used, as performed today. States should be given the option on how to handle address.

### **"Temporary" Indicator on Credentials:**

The Act requires that for credentials issued to applicants who are authorized to be in the U. S. for a limited duration, the document must contain an expiration date tied to the applicant's authorized stay and must clearly indicate that it is temporary in nature.

It was recommended that the requirement to display a temporary indicator should be omitted as all documents have an expiration date. The expiration date for such a license will match the expiration date of the limited duration document.

### **Verification of Source Documents**

The Act requires that DMV verify the completeness, validity and issuance of each source document. The impact of this requirement may mean that citizens could wait minutes, hours or days to obtain their driver's license or identification card. All public or private sector entities that issue source documents will be impacted and cooperation of these entities is not mandated by the Act.

The taskforce is opposed to recommending that the Act be changed to incorporate regulation of other governmental and private sector entities. Each verification requirement needs to be outlined separately indicating the compliance status of each. The development of electronic verification systems is necessary to verify residency and birth certificate. These systems will not be developed prior to the May 2008 implementation timeframe, which will require an extension of the implementation date. When recommending an extension, a

specific timeframe needs to be included. The group recommended that the extension timeframe be 5 years after regulations are finalized.

The foreign passport document was identified as a document that would not be able to be verified. As an alternative to verification of these documents, we could suggest to electronically verify the authenticity of documents, which may require a statutory change. This technology provides the DMV clerk with information regarding document authenticity and whether the document shows signs of alteration.

Funding issues need to be addressed separately. Wording for this section needs to be modified.

#### **Scanning and Retaining Source Documents**

This section can be removed from the document, scanning and retention of source documents is being addressed through the implementation of driver's license central issue.

#### **Effective Procedure to Verify Credential Holders' Information Upon Renewal**

The interpretation of this requirement will determine what process DMV will implement for renewing credentials. The recommendation will be revised.

#### **Confirmation of Out of State License Has Been or Is Being Terminated**

This requirement would prohibit the issuance of a compliant credential to an applicant until Virginia DMV confirms that the applicant's out-of-state license is terminated or is being terminated. Without an automated national system, the states cannot comply with this requirement. The recommendation should incorporate a request for federal funding of an electronic system to be developed, indicating that the development of such system could not be completed prior to the May 2008 deadline. The report should outline what could be done to comply, such as defacing the license and sending notification to the state where the document was issued.

The recommendation will be modified.

#### **Providing Other States with Access to Driver's License and Identification Card Records**

A system for this is currently not in place. The suggestion was made not to implement anything. States have different laws and the information may not be interpreted the same in other states. An example, demerit points are not calculated the same in all states.

#### **SSN Discrepancies**

Recommendation will remain the same indicating that the burden of resolving SSN discrepancies should be placed on the applicant, except when there is a DMV error.

### **Acceptable Proof of Source Documents**

The taskforce was in agreement that a list of acceptable documents would not be placed in regulations. Incorporate language into the recommendation on the success with Legal Presence, and indicate that what Virginia is doing works.

### **Cost and Funding**

The cost of implementing Real ID varies widely. Virginia DMV has attempted to estimate the costs associated with five possible scenarios. The scenarios include:

- 1) Separate DL/ID Centers/On-Site Document Verification: DMV could eliminate today's one-stop shopping model and create separate DL/ID Centers. This approach would ensure that the impact of Real ID is not imposed on customers wishing to conduct vehicle-related transactions.

Estimated one-time costs: \$136 million

Estimated annual recurring costs: \$63 million

- 2) Two-Step Process with Headquarters Verification: DMV could utilize a two-step process and retain today's one-stop shopping service delivery model.

Estimated one-time costs: \$2 million

Estimated annual recurring costs: \$5 million

- 3) Two-Step Process with Customer Choice and Headquarters Verification: Utilizing the two-step process, DMV could create the ability for customers to choose either a compliant or non-compliant driver's license or identification card.

Estimated one-time costs: \$2 million

Estimated annual recurring costs: \$4 million

- 4) Real ID in Today's Environment: DMV could implement Real ID without any additional facilities, staff or changes in its current service delivery model.

Estimated one-time costs: \$2 million

Estimated annual recurring costs: Less than \$1 million (\$800,000)

All costs assume temporary grandfathering. Costs could be different if permanent grandfathering is granted. Option 3 was presented to the Governor.

It was recommended that cost ranges be included in the report.

### **General Recommendations:**

- Incorporate an overall strategy – indicating that we will continue to work with the National Governor’s Association (NGA), National Conference of State Legislatures (NCSL), Department of Homeland Security (DHS), National Association of Attorneys General (NAAG) and American Association of Motor Vehicle Administrators (AAMVA). This strategy will outline an avenue to move forward.
- Address potential public relation efforts: Internet, flyers in renewals, etc.
- Consider outreach or human contact.
- Identify timeline and address penalty that comes with non-compliance.
- State within the report that entity within DMV will monitor implementation and that an exception process will be utilized for Real ID to handle individuals who feel that they have proper documentation to comply, but have been told that they do not.
- Adding recommendations into the issue statements.
- Include an executive summary that incorporates key issues and recommendations.
- Incorporate a letter from D. B. Smit that sets the tone of the report, outlining the issues of the Act, repeating general recommendations, and indicating that Congress still has time to act on the issues.
- Incorporate language “unfunded federal mandate” where possible.
- On page 5 and 6 of report, include Civil Rights with Privacy adding language provided by Kent Willis.
- The recommendation listed second in the findings and recommendations section of the report, should be stated first.
- On pages 25 and 37, additional verbiage should be added that relates to providing assistance to those who need help for reasons including costs, age, language barrier, infirmity or other disability.
- Mention within the report indigence and Real ID, providing flexibility to make valid exceptions. It was recommended to incorporate a broader discussion on this and recommend that the Act should address this.
- Recommend that the exceptions be included in the Act when there is a natural disaster and dealing with people without any documentation or driver’s license. Indicate the circumstances with Legal Presence and Katrina, where the law prohibited DMV from circumventing or making exception for Katrina evacuees.
- Better communicate the magnitude of cost and replace the word “exorbitant” with an amount.
- Mention that DMV has requested the \$33 million for systems redesign.
- Include in the document, the negative impact and the burden it will place on customers who use an alternative service, if proof documents need to be shown at every renewal.
- It was suggested to go each section of the Act and identify what requirements may need to be modified.

**Closing Remarks**

D. B. Smit thanked Jo Anne and staff for their hard work. Drafts will be sent to all taskforce members for review.